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THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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DATED: 02-09-2005

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WRIT PETITION No.19495 of 2005

Between:

P.Samuel . . .Petitioner

And

The Dist. Collector, Kurnool, & others . . .Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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WRIT PETITION No.19495 of 2005

ORDER:

The petitioner claims to be the Correspondent of Adi Andhra Aided Elementary Schools in Nandyal Range. He challenges the proceedings dated 05-08-2005, issued by the District Collector and Chairman of SSA, Kurnool, through which, permission was accorded for establishment of an elementary school at G.C.Palem exclusively for students of Scheduled Caste category.

The petitioner contends that in that village, their school is catering to the needs of the local population and that the total school going children are about 150 to 160, hardly sufficient for running a school. He submits that there is no potential for establishing another school and that the impugned proceedings do not

accord with the procedure prescribed under Section
20 of the Andhra Pradesh Education Act.

Ms. G.Lakshmi, the learned counsel for the petitioner, contends that the right of the petitioner to run the educational institution is adversely affected on account of grant of permission for establishing a Government school. She further contends that the students, who were already admitted in the school of the petitioner, are likely to be taken away for being admitted in the proposed school.

The learned Government Pleader for School Education, on the other hand, submits that the permission was accorded to establish new Government school only after verifying the facts and figures and that the establishment of the school is to cater to the needs of the Scheduled Caste and other backward class students in the locality.

Basically, it is the obligation of the State under the directive principles of the State Policy to provide education, particularly, to the weaker sections. In the recent past, there was gross neglect on the part of the State, in establishing the Government schools and the field has virtually been left to the private agencies. The students, particularly, of weaker sections are not able to secure admissions in private agencies and that has resulted in substantial dropouts or they are not being admitted into schools at all. It is rather gratifying that atleast at a belated stage, the respondents have recognized their obligation and have come forward to establish Government schools. The fact that a private school is functioning at a place, hardly constitutes a ground to disentitle the Government to establish its own school. Whatever may be the relevancy of the collection of statistics, maintenance of distance between various institutions etc., once the Government comes forward to establish its own institutions, there can virtually be no objection or impediment for this purpose.

The petitioner claims to have submitted two representations dated 12-08-2005 and 17-08-2005 narrating his grievance. The respondents shall take the same into account. However, they cannot be treated as an impediment for proceeding with the establishment of the proposed school.

The writ petition is accordingly dismissed.

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(L.NARASIMHA REDDY, J)

2nd SEPTEMBER, 2005.

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